

DETAILED ACTION

1. This office action is responsive to communications filed on 02/12/2010
2. Claims 15- 19 are pending and have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sim et al (PGPUB: US 2002/0002035 A1)** in view of **Kapoor et al. ("Bluetooth: Carrying Voice over ACL Links")** hereinafter **Kapoor**.

With respect to **claim 15**, an electronic apparatus comprising:

a wireless communication device that executes wireless communication with an external device (Sim: fig. 2, and page 2, paragraph 32);;

an input device (Sim: pages 2-3, paragraphs 33 & 38);

a processor (Sim: fig. 1-2, page 2, paragraphs 32-33) configured

(a) to select one of a first communication mode and a second communication mode in accordance with an operation of the input device (Sim: pages 2-3, paragraphs 33 & 38, noted the SCO link and ACL link),

(b) to establish one transport channel for transmitting content data from the wireless communication device to the external device, between the wireless communication device and the external device when the first communication mode is

selected (Sim: fig. 3, page 3, paragraphs 35, 38 & 41-44, noted that upon user's selection of listening to a MP3 file, ACL connection is established for streaming the selected MP3 file from the baseband/master to the headset/slave, with the decoder 15 in decoding high speed data e.g.: music.),

(c) to encode content data by a first compression-encoding scheme (Sim: page 3, paragraph 35, noted that the second decoder utilizes MAS-3507 chip for encoding/decoding scheme),

(d) to execute an one-way communication with a first quality, the one-way communication including transmitting the content data, which is compression-encoded by the first compression-encoding scheme, from the wireless communication device to the external device via the one transport channel (Sim: fig. 3, page 3, paragraphs 35, 38 & 41-44, ACL connection is established for streaming the selected MP3 file from the baseband/master to the headset/slave),

(e) to establish two independent transport channels between the wireless communication device and the external device when the second communication mode is selected, the two independent transport channels including a first transport channel for transmitting content data from the wireless communication device to the external device (Sim: page 4, paragraph 48, noted the ACL link for high speed data transmission) and a second transport channel for transmitting content data from the external device to the wireless communication device (Sim: page 4, paragraph noted the SCO Link for voice communication),

(f) to encode content data by a second compression-encoding scheme (Sim: page 3, paragraph 35, noted that the decoder 12 in decoding utilizes a PCM decoder/encoder), the second compression-encoding scheme requiring a less amount of arithmetic operations compared to the first compression-encoding scheme (Sim: page 3, paragraphs 35 & 38), and

(g) to execute the two-way communication with a second quality which is lower than the first quality, the two-way communication including transmitting and receiving contents data items, which are compression-encoded by the second compression-encoding scheme, via the first transport channel and the second transport channel (Sim: page 3, paragraphs 35 & 38, and page 4, paragraphs 48-50, noted that the decoder 12 encodes/decodes low speed data).

However, Sim does not explicitly disclose establishing a second ACL channel for voice communication between a wireless communication device and an external device.

In the same field of endeavor, Kapoor teaches carrying voice communication over ACL links between a wireless communication device and a Bluetooth device (Kapoor: page 1 abstract, Introduction and page 3 section 4.2 Hardware Experiments, noted that it's been tested that it is possible to carry voice over ACL).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to substitute the voice over ACL connection as taught by Kapoor with the SCO connection of Sim in order to achieve high-quality voice (Kapoor: abstract and page 1, Intrudction).

With respect to **claim 17**, Sim teaches the electronic apparatus according to claim 15, wherein the processor is configured to control between the wireless communication device and the external device such that content data sampled with a first sampling frequency is transmitted from the wireless communication device to the external device when the first communication mode is selected, and content data sampled with a second sampling frequency, which is lower than the first sampling frequency, is transmitted and received between the wireless communication device and the external device when the second communication mode is selected (Sim: page 3, paragraphs 35 & 38, and page 4, paragraphs 48-50).

With respect to **claim 18**, Sim teaches the electronic apparatus according to claim 15, wherein the external device is a headset including a speaker and a microphone (Sim: page 3, paragraph 35).

In regard to **claims 19**, the limitations of this claim are substantially the same as those in claim 15. Therefore the same rationale for rejecting claim 15 is used to reject claim 19. By this rationale **claim 19** is rejected.

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Sim et al. (Publication no.: US 2002/0002035 A1)** in view of **Kapoor et al. ("Bluetooth: Carrying Voice over ACL Links")** hereinafter **Kapoor** and further in view of **Official Notice**.

With respect to **claim 16**, Sim teaches the electronic apparatus according to claim 15, further comprising:

a display for displaying a first **selection** (Sim: page 3, paragraph 41) and a second **selection** (Sim: page 4, paragraphs 48) corresponding to the first communication mode and the second communication mode, respectively, on a display screen of the display,

wherein the processor is configured to select the first communication mode when the first **selection** is selected by an operation of the input device, and to select the second communication mode when the second **selection** is selected by an operation of the input device (Sim: page 3, paragraphs 35 & 38, and page 4, paragraphs 48-50).

Sim also teaches using buttons to initiate transmission of messages to the control unit in making selections of which type of data transmission to use (Sim: page 3, paragraphs 35, 38 and 44).

However, the combined method of Sim-Kapoor does not explicitly teach a feature of displaying icons on a display screen and associating these icons with user's selections. Official Notice is taken that the feature of displaying icons and associating these icons with user's selections is well known in the art. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate such features in order to provide a friendly and visually indication of user's selection.

Response to Arguments

6. Applicant's arguments filed on 02/12/2010 have been fully considered but they are not persuasive.

7. On page 10 of Applicant's remark, Applicant argues that "Sim discloses "[a]fter the radio link for transmitting high speed data is released, the SCO link for voice communication is established." Sim paragraph [0048]. Thus, it is evident from the disclosure that the "radio link" and the "SCO link" are **not** simultaneously established. Sim cannot disclose or suggest the claimed "establish[ing] two independent transport channels" at least because Sim discloses that the "radio link" connection must be terminated before the "SCO link" can be established."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., two independent transport channels are established simultaneously) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. On pages 11-12 of Applicant's remark, Applicant argues that "Even if the Office Action is correct and Sim discloses wireless transmission of "MP3" data, Sim states that "MP3 data is prestored in a memory." Sim paragraph [0040]. Since the "MP3 data" is "prestored in a memory," there can be no disclosure or suggestion of encoding music into the "MP3" file. Therefore, since the "MP3 data" is "prestored in a memory," Sim cannot disclose or suggest the claimed "encod[ing] content data by a first compression-encoding scheme.""

In response to applicant's argument, the examiner respectfully disagrees. Sim explicitly discloses a decoder 15, which utilizes MAS-3507 chip for encoding/decoding a high speed data for example an MP3 file transmitted from the baseband and provides the decoded data to the speaker/earphone(Sim: page 3, paragraph 35)

9. On page 12 of Applicant's remark, Applicant traverses the Official Notice taken by the examiner to reject claim 16. In which Applicant argues that "Applicant respectfully requests that the Examiner provide evidence to support the assertions of Official Notice particularly with respect to claim 16. Absent appropriate evidence, a prima facie case of obviousness has not been established with respect to claim 16"

In response, the Applicant is entitled to traverse any/all Official Notice taken in this action according to MPEP §2144.03. However, MPEP §2144.03 further states "See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)."

Specifically, In re Boon, 169 USPQ 231, 234 states "as we held in Alhert, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of this assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed." Further note that 37 CFR §1.67(c)(3) states "Judicial notice means official notice." Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

10. Applicant has had an opportunity to amend the claimed subject matter, and has failed to modify the claim language to distinguish over the prior art of record by clarifying or substantially narrowing the claim language. Thus, Applicant apparently intends that a broad interpretation be given to the claims and the Examiner has adopted such in the present and previous Office action rejections. See *In re Prater and Wei*, 162 USPQ 541 (CCPA 1969), and MPEP 2111.

11. Applicant employs broad language, which includes the use of word, and phrases, which have broad meanings in the art. In addition, Applicant has not argued any narrower interpretation of the claim language, nor amended the claims significantly enough to construe a narrower meaning to the limitations. As the claims breadth allows multiple interpretations and meanings, which are broader than Applicant's disclosure, the Examiner is forced to interpret the claim limitations as broadly and as reasonably possible, in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.1993).

12. Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response, and reiterates the need for the Applicant to more clearly and distinctly defines the claimed invention.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is (571)270-1447. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Srivastava Vivek can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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